

Appeal from a decision of the Colorado State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease application, C-36218.

Affirmed.

1. Oil and Gas Leases: Applications: Attorneys-in-Fact or Agents -- Oil and Gas Leases: Applications: Drawings -- Oil and Gas Leases: Applications: Legibility

Under 43 CFR 3112.2-1(b), a simultaneous oil and gas lease application must be rendered in a manner to reveal the name of the applicant, the name of the signatory, and their relationship. Where the signature on the application is illegible and there is no reference to the signatory's relationship to the applicant, the requirements of the regulation have not been satisfied and BLM properly rejects the application.

APPEARANCES: R. Ken Williams for appellant.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

Martin, Williams & Judson has appealed the decision of the Colorado State Office, Bureau of Land Management (BLM), dated April 1, 1983, rejecting its simultaneous oil and gas lease application, C-36218, drawn with second priority for parcel CO-175 at the July 1982 drawing because it fails to disclose the relationship between the signatory and the applicant as required by 43 CFR 3112.2-1(b) and 3102.4. BLM found that the signature on the application was illegible, there was no indication of the relationship between the applicant and signatory, and there was no reference to a previously filed qualifications statement.

In its statement of reasons, appellant explains that it is its habit to include its qualifications file numbers MT-065500 and NM-43000 on simultaneous applications. It explains that it is a partnership, that its Articles

of Partnership, which are in the qualifications files, authorize each partner to sign documents without the joinder of the other partners, and that the July 1982 filing was signed by R. Ken Williams, one of the partners. A copy of the Articles of Partnership was enclosed with the statement of reasons.

[1] Both of the regulations cited by BLM express the same requirement. Departmental regulation, 43 CFR 3112.2-1(b), governing simultaneously filed applications for oil and gas leases, reads in part:

Applications signed by anyone other than the applicant shall be rendered in a manner to reveal the name of the applicant, the name of the signatory and their relationship. (Example: Smith, agent for Jones; or Jones, principal, by Smith, agent.) Machine or rubber stamped signatures shall not be used.

In Hercules (A Partnership) and Gemini (A Partnership), 67 IBLA 151 (1982), 1/ we held that this regulatory requirement was satisfied where an application referred to a current qualifications file setting forth the relationship between a signatory and the principal even though the relationship was not apparent on the face of the application card. As BLM has noted, however, the application in this instance does not reference a qualifications file.

Examination of the application itself reveals that the applicant's name and address were typed into the appropriate space on the application form and, although some letters of the signature are discernible, the signature for all practical purposes is illegible. There is no other indication of the signatory's identity or authority on the application.

Although the Board has recognized that it is not practical to fix an exacting standard of legibility (see Liberty Petroleum Corp., 68 IBLA 387, 388 (1982)), BLM must be able to identify who signs an oil and gas lease application and, if acting as agent, his or her relationship to the applicant. The signature on appellant's application does not provide this information. Thus, the application fails to satisfy the requirement that it be rendered in a manner to reveal the applicant, the name of the signatory, and their relationship and it must be rejected. Charles R. Tickel, 73 IBLA 360, 90 I.D. \_\_ (1983); Kenneth S. Bradke, 73 IBLA 216 (1983). It is not sufficient for the applicant to provide the required information on appeal. Strict compliance with the regulations governing simultaneous oil and gas lease applications is required to protect the rights of the second- and third-qualified applicants. Bonita C. Ferguson, 61 IBLA 178 (1982); Ballard E. Spencer Trust, Inc., 18 IBLA 25 (1974), aff'd sub nom. Ballard E. Spencer Trust, Inc. v. Morton, 544 F.2d 1067 (10th Cir. 1976).

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1/ Appeal pending, Grooms v. Watt, Civ. No. 82-2179 (D. Colo. filed Dec. 17, 1982).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of the Colorado State Office is affirmed.

Will A. Irwin  
Administrative Judge

We concur:

R. W. Mullen  
Administrative Judge

Douglas E. Henriques  
Administrative Judge